IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 15387 of 2005

Between:

I.D.Shukla, S/o. M.sD. Shukla,
R/o. Qtrs. No.595/4, D.B.K. Jail Area, Dhandaparthy, Visakhapatnam.

..... PETITIONER

AND

1. The Sr. Divisional Security Commissioner, Railway Protection Force, East Coast Railway, Waltare Division, Visakhapatnam.

2. The Chief Security Commissioner, Railway Protection Force, East Coast Railway, Chandrasekharpur, Bhubaneswar, Orissa State.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in transferring the petitioner from "E" Company, Visakhapatnam to Lakshmipur vide Divisional Order No.290/2005, dt. 8.7.2005 in so far as the petitioner is concerned is is illegal, arbitrary and violative of article 14 and 16 of the constitution of India and consequently direct the respondents to retain the petitioner at "E" Company Visakhapatnam or any other units in Visakhapatnam.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondents: MR.G.S.SANGHI

The Court at the admission stage made the following:

ORDER:

This writ petition is filed questioning the action of the respondents in issuing the impugned proceedings dated 08.07.2005, under which, the petitioner was transferred from Visakhapatnam to Lakshmipur.

According to the petitioner, though he completed five years, he made a representation seeking retention for another year, as his son is studying 12th standard in Visakhaptnam. Further, even after transfer, he made another representation on 11.07.2005 explaining the difficulties that would be faced by him consequent upon his transfer. However, the respondents have not considered the said representation and are pressing him to vacate the quarter. Therefore, he has come up with the present writ petition.

At the time of hearing, the learned counsel for the petitioner reiterated the contentions and also sought for a direction for disposal of the representation of the petitioner, dated 11.07.2005.

With reference to the quarter, the learned Standing Counsel represented that as per the normal Rules, an employee who has been transferred to another station, is entitled for retention of the quarter for a period of four months and in addition to that the

employee may be granted another four month's time, if so requested by the employee. Therefore, there is no imminent threat or force for getting the quarter vacated.

Heard both sides and considered the material on record.

In any case, as the petitioner is representing that his son is studying 12th standard in Visakhapatnam, the respondents may sympathetically consider his claim for retention at least till the completion of the present academic year.

The respondents are accordingly directed to consider the representation of the petitioner sympathetically and pass appropriate orders within a period of ten days.

The writ petition is disposed of with the above observations and direction. No costs.

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15.07.2005

Note: Issue CC in two days.

(b/o)

VGB

To

1. The Sr. Divisional Security Commissioner, Railway Protection Force, East Coast Railway, Waltare Division, Visakhapatnam.

2. The Chief Security Commissioner, Railway Protection Force, East Coast Railway, Chandrasekharpur, Bhubaneswar, Orissa State.

3. 2CD copies.